Supreme Court, U.S.
FILED
OCT 4 1999
CLERK

(26)

No. 98-1648

IN THE

Supreme Court of the United States

GUY MITCHELL, *et al.*,

Petitioners,

v.

MARY HELMS, *et al.*,

Respondents.

On Writ of Certiorari to the United States Court of Appeals for the Fifth Circuit

BRIEF AMICUS CURIAE OF THE INTERFAITH RELIGIOUS LIBERTY FOUNDATION, *et al.* IN SUPPORT OF RESPONDENTS

DEREK DAVIS*
J.M. DAWSON INSTITUTE
OF CHURCH STATE STUDIES
BAYLOR UNIVERISTY
P.O. Box 97308
Waco, TX 76308
(254) 710-1510

ALAN J. REINACH
PACIFIC UNION CONFERENCE
OF SEVENTH-DAY ADVENTISTS
2686 Townsgate Road
Westlake Village, CA 91359
(805) 497-9457

Counsel of Record

PRESS OF BYRON S. ADAMS ✦ WASHINGTON, D.C. ✦ 1-800-347-8208

BEST AVAILABLE COPY

58pp

Table of Contents

Interests of amici 1
Summary of argument 1
Argument 3

I. Direct government aid to pervasively sectarian schools constitutes government sponsorship and endorsement of, and partnership in the religious mission of those schools in violation of the Establishment Clause.....3
A. Since the aid is provided directly to schools, not to students, it violates the Establishment Clause 3
B. Direct aid to pervasively sectarian schools constitutes government sponsorship and endorsement of, and partnership in the religious mission of those schools 7
C. Pervasively sectarian schools cannot utilize computers for "secular, neutral and nonideological" purposes.....18
D. The "supplementary" aid distinction is irrelevant.....19

II. Formal neutrality is a threat both to religious liberty and to religion 21
A. Formal neutrality inevitably results in discrimination, secularization and dependency.....26
B. Forced taxation to support religion is still sinful and tyrannical and is a threat to the vitality of religion 28

Conclusion 30
Appendix a-1

Table of Authorities

Cases:

Agostini v. Felton, 117 S.Ct. 1997 *(1997)* 4, 5, 17, 20
Board of Education v. Allen, 392 U.S. 236 (1968) 6
Capital Square Review and Advisory Board v. Pinette, 515 U.S. 753 (1995) 17, 21
Corporation of Presiding Bishop v. Amos, 483 U.S. 327 (1987) 23
Employment Division v. Smith, 494 U.S. 872, (1990) 21
Everson v. Board of Educ., 330 U.S. 1 (1947) 5
Grand Rapids. v. Ball, 473 U.S. 373 (1985).....8
Hunt v. McNair, 413 U.S. 734 (1973).....8
Lemon v. Kurtzman, 403 U.S. 602 (1971).....5, 6
Meek v. Pittenger, 421 U.S. 349 (1975)..... 5, 8
National Endowment for the Arts v. Finley, 524 U.S. 569 (1998) 24
NLRB v. Catholic Bishop, 440 U.S. 490 (1979) 23
PEARL v. Nyquist, 413 U.S. 756 (1973) 5, 6, 7
Roemer v. Board of Public Works of Maryland, 426 U.S. 736 (1976) 5
Rosenberger v. Rector & Visitors of the Univ. of Virginia, 515 U.S. 819 (1995) 4, 28
Rust v. Sullivan, 500 U.S. 173 (1991) 24
Tilton v. Richardson, 403 U.S. 672 (1971) 6
Witters v. Washington Dep't of Serv. for the Blind, 474 U.S. 481 (1986) 4
Wolman v. Walter, 433 U.S. 229 (1977) 5
Zobrest v. Catalina Foothills Sch. Dist., 509 U.S. 1 (1993) 4

Constitution, statutes and regulations:

U.S. Const., Amendment I (Establishment Clause) .....*passim*
Baldwin's Ohio Revised Code, Title XXXIII, Section 3313.976(A)(4) 27

Wisconsin Statutes Ann., Schools Chapter 119.23 (7)(a)(4)(c) 27

Miscellaneous

"Church & State" p. 23 (October, 1970) 14

Derek Davis' "Right Motive, Wrong Method," in *Welfare Reform & Faith Based Organizations,* Derek Davis and Barry Hankins, eds., Baylor University Press (Waco, Tx 1998) 22

Ed Doerr & Albert J. Menendez, *Church Schools & Public Money*, Prometheus Books (Buffalo, NY 1991) 14

Edd Doerr, Albert J. Menendez, and John Swomley, *The Case Against School Vouchers,* Prometheus Books, (Amherst, NY 1996) 24

Christopher L. Eisgruber & Lawrence G. Sager, "Congressional Power and Religious Liberty After City of Boerne v. Flores," 1997 Supreme Court Review 79 (1997) 25

Christopher L. Eisgruber & Lawrence G. Sager, "Why the Religious Freedom Restoration Act is Unconstitutional," 69 N. Y. U. L. Rev. 437 (1994).....5

Edwin S. Gaustad, *A Disestablished Society: Origins of the First Amendment*, Vol. XI A Journal of Church and State 409, (1969) (quoting *The Writings of the Late Elder John Leland*, L.F. Greene, ed., Arno Press 1970, (1845) 30

Holy Bible, John 14:6 15

Holy Bible, Psalm 19:1-4 15

K-12 Education Policies, North American Division of Seventh-day Adventists.....10 --13

George R. Knight, "Seventh-day Adventist Education" in Carper & Hunt, *Religious Schooling in America* 15

Douglas Laycock, "The Remnants of Free Exercise," 1990 The Supreme Court Review (1990) 21, 22

Douglas Laycock, "Nonpreferential Aid to Religion: A False Claim About Original Intent," 27 William & Mary Law Review 875 (1986) 23

James Madison, "A Memorial and Remonstrance Against Religious Assessments," reprinted in *Toward Benevolent Neutrality: Church, State and the Supreme Court*, fourth edition, Robert T. Miller and Ronald B. Flowers, Baylor University Press, Appendix A (Waco, Tx 1992) 30

Michael McConnell, "Free Exercise Revisionism and the Smith Decision," 57 Univ. of Chicago L. Rev. 57 (1990) 21,22

Parker J. Palmer, *The Courage to Teach*, Jossey Bass (San Francisco, CA 1998) 9

Profile 97, A Preliminary Report of Curriculum and Instruction in Seventh-day Adventist Schools, North American Division Curriculum Committee 1997).....20

Valuegenesis Report IV, A Study of the Influence of Family, Church and School on the Faith, Values, and Commitment of Adventist Youth, North American Division Board of Higher Education and Board of Education, K-12 (1993) 10, 11

Ellen G. White, *Education*, Pacific Press Publishing Association (Mountain View, CA 1903) 12,13

Interests of Amici

Amici[1] include the Interfaith Religious Liberty Foundation, a non-profit organization comprised of religious and educational leaders from a broad range of both Eastern and Western religious traditions, and Methodist, Jewish and Seventh-day Adventist[2] individuals who are constitutional scholars, education professors, church administrators, administrators of religious elementary and secondary school systems; elementary and secondary school teachers at religious schools; and pastors and laity who serve on church school boards. Their special expertise in religious liberty issues; their broad experience teaching in and administering pervasively sectarian schools, and in training teachers to teach in such schools, give them a unique insight into the danger posed to both religion and religious liberty if direct aid to religious schools is approved. A full description of *amici* is found in the Appendix to this brief. This brief is filed with the consent of the parties.

Summary of Argument

This Court has consistently held that direct aid to pervasively sectarian schools violates the Establishment Clause. Petitioners seek to avoid this precedent by arguing that "neutral" aid is here offered to students, and that in such cases, it would be discrimination to refuse such aid because of their private choice to attend a religious school.

---

1 No other person other than counsel for *amici curiae* has contributed to the authoring of this brief, in whole or in part, and no person or entity other than *amici curiae* has made a monetary contribution to the preparation or submission of this brief.

2 Seventh-day Adventists were wrongly identified as *amici* in a brief filed on behalf of a collection of private school associations. See retraction letter, App. p. 6, and letters, App. pp. 8, 9. In fact, the Seventh-day Adventist leaders had no notice of the actions of the private school associations, and gave no consent.

There are numerous problems with this theory. First, the aid is not offered to students, but to schools. Students don't take possession of the computers, promise not to use the equipment for the inculcation of religion, or provide maintenance and security. The schools do.

Petitioners' theory also seeks to avoid dealing with the reality of pervasively sectarian schools. They admit that government cannot promote religion, but they fail to confront the fact that in religious schools, everything that happens IS religion! Religious schools reject the dualistic notion that religion is limited to discussion of overtly religious topics, and that education is otherwise "secular." Rather, those faiths that operate religious schools do so precisely because they understand that religion, to become the driving force in a person's life, must be lived and breathed as part of a community; that it is not so much learned intellectually, as experimentally and experientially. In such schools, religion not only pervades the curriculum as the center of every subject, it pervades the classroom as the atmosphere in which life itself is lived.

When government gives direct aid to such schools, that aid constitutes tacit support for and endorsement of the religious mission. Government becomes a partner in the religious mission.

Petitioners insist that "neutrality" requires a different approach, and that even pervasively sectarian schools can obtain direct aid, so long as the aid is supplied neutrally to secular and sectarian alike. Yet, Petitioners insist that the sectarian schools receiving the aid continue to enjoy greater protection from intrusive government regulation than secular schools. This explodes the myth of "equality" or "non-preferential" aid. In fact what Petitioners seek is preferred status or preferential aid. Existing "no direct aid" doctrine constitutes true neutrality by refusing both to provide direct aid and to regulate intrusively. This is even-handed and fair.

Indeed, Petitioners' formal neutrality is most like that adopted by this Court in *Employment Division v. Smith*, a

neutrality that is the master of liberty, rather than its servant; a neutrality that seriously restricts the constitutional protection of religious liberty. This theory, applied to the Establishment Clause, will erode the existing framework for protecting church autonomy, leaving religious institutions vulnerable to intrusive regulation. It will result in coerced taxation in support of the religious mission of religious schools, coercive secularization of religious schools, and will erode both the voluntary nature of religious schools and their spiritual vitality. In short, the formal neutrality advanced by Petitioners is a grave threat both to liberty and to religion.

Argument

I. DIRECT GOVERNMENT AID TO PERVASIVELY SECTARIAN SCHOOLS CONSTITUTES GOVERNMENT SPONSORSHIP AND ENDORSEMENT OF, AND PARTNERSHIP IN THE RELIGIOUS MISSION OF THOSE SCHOOLS IN VIOLATION OF THE ESTABLISHMENT CLAUSE

A. Since the Aid is Provided Directly to Schools, Not to Students, it Violates the Establishment Clause

Petitioners adopt a convenient fiction – that the Chapter 2 aid given to schools should be treated as though given for the benefit of children. Petitioners frame their argument in terms of aid "to all public and private schoolchildren..."[3] Of course the purpose of giving aid to education is to benefit children. But the children are not the ones who obtain possession of the computers. The children are not asked to sign statements verifying that the computers will not be used for sectarian purposes. Nor are the students responsible to ensure that the aid received only supplements, but does not supplant, equipment that would otherwise be used in the schools.[4] The

[3] Petitioners' Brief, p. 1 [hereinafter "Pet."]

[4] Brief for the Secretary of Education, page 7 [hereinafter "Sec."]

computers are "loaned" to the schools. The aid is given directly to schools, not to students.

Petitioners' characterization of this case as aid to children is a fiction with a crucial function. The fiction is needed because of the reliance on cases that do involve aid given to students. *Witters v. Washington Dep't of Serv. for the Blind,* 474 U.S. 481 (1986), *Zobrest v. Catalina Foothills Sch. Dist.,* 509 U.S. 1 (1993), *Rosenberger v. Rector & Visitors of the Univ. of Virginia,* 515 U.S. 819 (1995) and *Agostini v. Felton, 117 S.Ct. 1997 (1997).* In *Witters*, the Court permitted a blind student to utilize student aid funds to attend seminary. The aid was provided to the student, who chose where to attend school. In *Zobrest*, the Court permitted Arizona to provide a sign language interpreter to a deaf student attending a sectarian school. The service was provided by the state directly to the student. In *Rosenberger*, the Court validated the right of a religious student group to participate in the student activities program, where funds were directed, not to the students, but to pay a printer to print a religious publication.

In *Agostini*, the Court authorized the state to provide remedial instruction to students in religious schools by sending public school teachers to those schools. Notwithstanding dicta suggesting that the Court there departed from the "no direct aid" rule, 521 U.S. at 225, the discussion that follows is about aid to students, not to schools. Indeed, the Court rejected the suggestion that Title I "services are distributed directly to the religious schools.... In fact, they are not." [citation omitted.] 521 U.S. at 228. According to the Court, then, *Agostini* did not involve direct aid to religious schools. It therefore could not, and did not, overturn the rule that such aid is unconstitutional.

Indeed, the only assumption regarding direct aid that *Agostini* undermines is the premise that *all* direct aid to religious schools is unconstitutional, even when based on private decision making. *Id.* at 222. Clearly, this leaves intact

the rule that, in the absence of private decision making, direct aid to religious schools is unconstitutional.

The present case involves no direct aid to students, no private decision by students, no student choice, and no initiative by students. It is the school that decides whether to participate in the Chapter 2 program, and whether it can conscientiously meet the two key conditions imposed on the aid – that it be used for non-sectarian purposes, and that it merely supplement, not supplant, existing equipment. It is the school that obtains custody of the computers and software, and is responsible for their security and maintenance. If this case were being analyzed under principles of contract law, we might say the students are third-party beneficiaries of the contract between the government and the school.

Since the present case involves no private decision making, *Agostini* is inapplicable. Indeed, if private decision making is found to be present in this case, where the only private decision is the one to attend a religious school, then the exception has swallowed the rule, and all government aid to religious schools is acceptable, based on private decision making. This is an unreasonable extension of *Agostini.*

Petitioners desperately need the fiction of aid to children, rather than to schools, in order to avoid the constitutional mandate that direct aid cannot flow to pervasively sectarian schools. *Everson v. Board of Educ.,* 330 U.S. 1 (1947); *Lemon v. Kurtzman*, 403 U.S. 602 (1971); *PEARL v. Nyquist*, 413 U.S. 756 (1973); *Meek v. Pittenger,* 421 U.S. 349 (1975); *Roemer v. Board of Public Works of Maryland*, 426 U.S. 736 (1976); *Wolman v. Walter,* 433 U.S. 229 (1977). Indeed, if Petitioners insist on the fiction that even direct aid given to pervasively sectarian schools is essentially aid given for the benefit of students, then they must also deal with the consequences of this fiction. There are many forms such aid could take:

- Aid to finance teacher salaries could be characterized as for the benefit of students, since teachers are employed to

provide a direct benefit to students. [But see *Lemon v. Kurtzman*, 403 U.S. 602 (1971) (striking down aid program reimbursing teacher salaries.)]

- Pervasively sectarian schools could receive unrestricted grant funds [But see *Roemer v. Board of Public Works*, 426 U.S. 736 (1976) (unrestricted grant funds could be provided to colleges and universities that were not pervasively sectarian, so long as they were not used for sectarian purposes.)]
- Pervasively sectarian schools could obtain capital grants for building classrooms under the theory that it will ultimately benefit the students to be taught there. [But see *Tilton v. Richardson*, 403 U.S. 672 (1971) (capital grants and loans to colleges must be restricted to buildings used for non-sectarian purposes for the life of the building; striking down twenty-year limitation on non-sectarian use.)]
- Pervasively sectarian schools could receive grants for maintenance and repair of ancient facilities, since these facilities are used to provide "secular" as well as sectarian services. [But see *PEARL v. Nyquist*, 413 U.S. 756 (1973) (striking down grants for maintenance and repair of sectarian schools.)]

In short, if the fiction of aid for the benefit of students is adopted in this case, virtually every form of government aid for pervasively sectarian schools would be constitutionally permitted. Justice Powell, writing for the Court in *Nyquist*, *supra*, at 784, recalled Justice Black's dissent in *Board of Education v. Allen*, 392 U.S. 236, 253 (1968) approving text book loans to students of sectarian schools:

> It requires no prophet to foresee that on the argument used to support this law others could be upheld providing for state or federal government funds to buy property on which to erect religious school buildings or to erect the buildings themselves, to pay the salaries of the religious school teachers, and finally to have the

> sectarian religious groups cease to rely on voluntary contributions of members of their sects while waiting for the Government to pick up all the bills for the religious schools. Arguments made in favor of this New York law point squarely in this direction, namely, that the fact that government has not heretofore aided religious schools with tax-raised funds amounts to a discrimination against those schools and against religion.

Petitioners here advance the same non-discrimination arguments rejected by this Court in *Nyquist*, and would undoubtedly approve of extensive direct aid as Justice Black foresaw. Such direct aid is inimical both to religious liberty and to the vitality of the churches, as will be demonstrated below. Thankfully, this Court has rejected requests to approve direct aid to pervasively sectarian schools, and such aid remains unconstitutional.

B. Direct Aid to Pervasively Sectarian Schools Constitutes Government Sponsorship and Endorsement of, and Partnership in the Religious Mission of Those Schools

The Secretary of Education contends that it is possible to provide "secular, neutral and nonideological" aid to the "secular" educational functions of pervasively religious schools, assuming that adequate safeguards are in place to prevent "religious indoctrination." This is a factual impossibility, since it defies the reality of the pervasively sectarian school.

Significantly, neither Petitioners nor the private school association *amici*[5] dispute the pervasively sectarian nature of religious schools. They simply ignore it, as they must, since the success of their neutrality theory depends on the

---

[5] Brief on behalf of Arizona Council for Academic Private Education, et. al. [Hereinafter "Private School Amici."]

willingness of this Court to avoid the implications of direct aid to pervasively sectarian schools. Since the nature, purpose and function of religious schools is essential to resolving the constitutional issues in this case, it is imperative that this Court closely examine what it means for a religious school to be pervasively sectarian.

The Court has long recognized the problem with direct aid to pervasively sectarian schools:

> Aid normally may be thought to have a primary effect of advancing religion when it flows to an institution in which religion is so pervasive that a substantial portion of its functions are subsumed in the religious mission.... *Hunt v. McNair*, 413 U.S. 734, 743 (1973).

In *Meek, supra,* 421 U.S. at 365, the Court held that "it would ignore reality" to suppose that government could aid a secular educational function of pervasively sectarian schools without aiding religion, since the secular and sectarian are "inextricably intertwined." Put differently, the question is whether teachers in religious schools can be presumed to teach in a "secular" manner, so as to justify using Federally funded computers and software in those courses in a "secular" manner. Justice O'Connor answered this question in a similar context, concurring in *Grand Rapids. v. Ball,* 473 U.S. 373 at 399, 400 (1985):

> When full-time parochial school teachers receive public funds to teach secular courses to their parochial school students under parochial school supervision, I agree that the program has the perceived and actual effect of advancing the religious aims of the church-related schools. This is particularly the case where, as here, *religion pervades the curriculum and the teachers are accustomed to bring religion to play in everything they teach.* [Emphasis supplied.]

The Secretary of Education's position ignores not only the reality of religious schools, but the reality of education itself. It presumes that inculcation of religion is an essentially intellectual exercise that takes place exclusively when religious subjects are discussed. For example, the Secretary argues that Chapter 2 computers can be used in chemistry class unless a religious subject is under discussion. Sec. p. 45. This simply defies how learning really takes place. Educational expert Parker J. Palmer, writing in the context of education generally, describes learning in holistic terms:[6]

> Reduce teaching to intellect, and it becomes a cold abstraction; reduce it to emotions, and it becomes narcissistic; reduce it to the spiritual, and it loses its anchor to the world. Intellect, emotion, and spirit depend on one another for wholeness. They are interwoven in the human self and in education at its best . . .

This insight is applicable to religious schools. Religion is not something that is conveyed primarily as intellectual content discussed in Bible class, or as an addition to other courses. Spiritual life and values are woven into the fabric of life in the religious school. Parker further declares: "good teaching cannot be reduced to technique; good teaching comes from the identity and integrity of the teacher."[7]

While this is true of education, generally, it has special implications for religious schools. In the religious school, the teacher is expected not merely to embrace the faith intellectually, but to live it, and to convey a life of faith by example, not just precept. The teacher must convey the faith as much by who she is, as by the intellectual content

---

[6] Parker J. Palmer, *The Courage to Teach*, 4 Jossey Bass (San Francisco, CA 1998).

[7] *Id.* at 11.

conveyed. This is true in religious schools of all denominations. Reverend John L. McKenzie, then chair of the theology department at the University of Notre Dame, described the Catholic school this way:

> The Roman Catholic schools have always placed religious education as the primary purpose of the schools with no attempt to mask this under some other purpose.... Children also learn the way of worship; they are taught respect and reverence for prelates, clergy, and religious. *They are daily reminded of their identity as Catholics. They grow up in an atmosphere of Roman Catholic traditions and attitudes which are communicated not so much by instruction as by prolonged close association under the direction of professional religious persons.* [emphasis supplied][8]

Formal instruction in religion is not regarded as the primary means of transmitting the faith. Instead, the faith is transmitted by the example and influence of the teachers. A study of Seventh-day Adventist schools documents that "teachers in Adventist schools believe that teaching is God's choice for their lives and they view their work as ministry."[9] Indeed, this perspective is formal church policy in that only committed church members are eligible to teach in church schools.[10]

It is a mistake to think of the religious school as a school that adds religion to secular educational content. Rather, the

[8] Ed Doerr & Albert J. Menendez, *Church Schools & Public Money*, 22 Prometheus Books (Buffalo, NY 1991)

[9] "Valuegenesis Report IV, A Study of the Influence of Family, Church and School on the Faith, Values, and Commitment of Adventist Youth," North American Division Board of Higher Education and Board of Education, K-12 (1993) p. 70.

[10] K-12 Education Policies, North American Division of Seventh-day Adventists, F 05 30, Appendix. p. 16. Most religious schools have similar employment policies that require adherence to the faith as a condition of employment.

religious school IS the church. Indeed, this is the formal policy of the Seventh-day Adventist Church: "The Seventh-day Adventist School As An Integral Part of the Seventh-day Adventist Church."[11]

One practical illustration of this truth is that the Seventh-day Adventist Church, in North America, spends fully 36% of its tithe income on education.[12] This does not include other donations that may go to support church schools, and it certainly does not include the amount of tuition collected. The reason why Adventists make such a major financial contribution to education may be explained, in part, by a recent study of Adventist education, which found that "the success or failure of the future of the Adventist church depended on its school system."[13] The future success or failure of the church was not said to depend on the spiritual vitality of its local congregations, the piety of its ministers, the effectiveness of its evangelism program, but on the school system. Religious schools ARE the church, and aiding them is aiding the church, not some secular educational function.

The myth of aiding some secular educational function, as supposed by the Secretary of Education, is further exploded by consideration of the educational philosophy of religious schools.

First, consider the philosophy of a typical Louisiana Catholic School, as reflected in their Handbook of School Policies, part of the record in this case:[14]

> 1. Place of Religion
>
> A. Since religion is the core curriculum of school, a definite time each day is devoted to religious

[11] K-12 Education Policies, F 05 20, App. p. 13.

[12] See Letter of Kenneth W. Osborn, Associate Treasurer, App. p. 21.

[13] Seltzer-Daley report, cited in Valuegenesis, *supra*, page 60.

[14] Record, Plaintiffs' Exhibit "1" attached to Plaintiffs' Motion for Partial Summary Judgment, volume VII.

instruction. *The truths of religion permeate the day's work, and its principles pervade all activities.* [emphasis added]

Next, consider the Seventh-day Adventist philosophy of education. This philosophy declares: "The church conducts its system of education to engender belief in these tenets [the basic tenets of the Seventh-day Adventist church], within the context of one's personal relationship with Jesus Christ, and to foster a desire to share that relationship with others."[15] This is why religious schools exist.

An authoritative Seventh-day Adventist source, a book titled simply, "Education,"declares:

> In a knowledge of God all true knowledge and real development have their source. *Whatever line of investigation we pursue*, with a sincere purpose to arrive at truth, we are brought in touch with the unseen, mighty Intelligence that is working in and through all. *The mind of man is brought into communion with the mind of God, the finite with the Infinite... In this communion is found the highest education.*" [16][emphasis supplied.]

The subject may be arithmetic, handwriting or some other ostensibly "secular" subject, but if it is pursued in a pervasively Christian context, with truth as the sincere pursuit, such "secular" subjects will connect the student's mind with the mind of God. *There is nothing secular about connecting with the mind of God.* Consider another description of true education, from the same source:

[15] K-12 Education Policies, Philosophy, F 05 01, App. p. 10.
[16] Ellen G. White, *Education*, 14; Pacific Press Publishing Association (Mountain View, CA 1903). White's writings are regarded by Seventh-day Adventists as uniquely inspired and authoritative, although not placed on the same level as the Bible.

> To restore in man the image of his Maker, to bring him back to the perfection in which he was created, to promote the development of body, mind and soul, that the divine purpose in his creation might be realized – this was to be the work of redemption. This is the object of education, the great object of life.[17]

This statement is so significant that it has been adopted into the church's K-12 Education Policies.[18] Here, the work of education and redemption are regarded as identical. Indeed, physical and mental development, which may be regarded as "secular," are considered an integral part of redemption, and thus spiritual. In the Adventist worldview, it is simply impossible to separate the secular from the sacred in education. The same policy also declares:

> The Seventh-day Adventist school system has as its basic evangelistic task the education and redemption of the children and youth of the Church.... In pursuing this task the school system has a greater continuing influence than any other aspect of the church program.

The Adventist school exists not only to inculcate faith in Adventist youth, but to evangelize others. The policy provides that "the school may also serve as a mission outreach to the community...non-Seventh-day Adventist youth may be enrolled in larger numbers...."[19]

Seventh-day Adventist policies are not unique in emphasizing the integration of faith and learning. All denominations seek the same objective. That is the whole reason they establish schools. Those faiths that are satisfied with a separation between secular curriculum and religious

[17] *Education, supra*, p. 16, 17.
[18] K-12 Education Policies, "The Seventh-day Adventist School As An Integral Part of the Seventh-day Adventist Church ;" F 05 20, App. p. 13.
[19] *Ibid.*

instruction operate after school or church-based religious instruction programs.

Pope Pius XI, in his encyclical on the Christian Education of Youth, wrote:

> "...For it is necessary," if we may use the words of Leo XIII, "not only at certain hours to teach Catholic religion to children but that all other subjects must also be made fragrant with the odor of piety. If this be not done, if this holy habit should not pervade and permeate the souls of both teachers and pupils, little benefit will accrue from any teaching but generally very great harm."[20]

Catholic educators also view the non-Catholic students in their schools as prime candidates for evangelism.[21]

The Lutheran Church has operated what has been, at times, the largest Protestant school system in America. One Lutheran educator has articulated the Lutheran philosophy:

> What's Lutheran in Education? ...that the Bible be dominant not only as basic subject matter, but also as a dynamic frame of reference and an orienting force which *Christianizes every other subject in a curriculum.*[emphasis supplied][22]

And another Lutheran educator said: "In the Christian view, there can be no artificial divorce between sacred and secular learning...Christian doctrine will, therefore, permeate the entire program.[emphasis supplied]"[23]

The same is true for Baptists and other religious organizations with a congregational polity that have opened parochial schools over the past several decades. They, too,

---

[20] *Church Schools & Public Money*, supra, at 22
[21] *Id*, at 26, 27.
[22] "Church & State" p. 23 (October, 1970).
[23] *Ibid.*

are suffused with religion. The mission statement from River Oaks Baptist School in Houston, Texas, is illustrative. That school, like many others, undertakes to offer its students a "superior educational program undergirded by faith in Jesus Christ and Christian principles." It goes on to tout a school environment that "encourages students, faculty and staff to see themselves as uniquely created by God with special qualities and gifts for development." In short, the educational mission of parochial schools and the faith development of the students are inextricably intertwined.

Indeed, Christian schools in general, guided by the Bible, believe that God is truth.[24] In Christian schools, then, the study of truth in any subject, no matter how "secular" it may appear, is the study of the revelation of God.[25]

This is reflected in the textbooks used in Christian schools. Christian schools utilize textbooks produced by denominational and interdenominational sources in a wide variety of curriculum areas, to insure a religious perspective is integrated into course content. Seventh-day Adventist educators, for example, have developed textbooks in such areas as science, reading, social studies, handwriting and religion in an effort to fully integrate faith and learning.[26]

The handwriting curriculum has children writing Bible passages. Book titles include: "God Made My World," "Words of Jesus," and "Words of Love."[27] The Reading series emphasizes reading selected to inculcate faith and build character, including "In the Beginning," God Made It

---

[24] John 14:6: Jesus said "I am the way, the truth, and the life..." Jesus here claims to be the incarnation of Truth.
[25] Consider also, in this regard, Psalm 19:1-4: "The heavens are telling of the glory of God, and their expanse is declaring the work of His hands. Day to day pours forth speech and night to night reveals knowledge.... their utterances [go] to the end of the world." New American Standard translation
[26] George R. Knight, "Seventh-day Adventist Education" in Carper & Hunt, *Religious Schooling in America*.
[27] Seventh-day Adventist Curriculum Catalogue, App. p. 17 –20.

So," and "Love Your Neighbor." Indeed, reading curriculum content must: "Be in harmony with and promote Biblical doctrine and Seventh-day Adventist goals of service, spiritual values and attitudes."[28] The science curriculum presents the world as God's creation. Thus, every aspect of science is taught as a revelation of God.[29] This is typical of religious school curriculum everywhere.

By contrast, the Secretary of Education asserts that Chapter 2 equipment can be used by religious schools in chemistry classes except where overtly religious topics are discussed. Sec. p. 45. This implies that in religious schools, religious instruction is essentially limited to Bible classes, and to isolated segments of other courses. Indeed, such an assumption is necessary to make any sense out of the assertion that safeguards can adequately insure that computers are not used to foster religion in religious schools. Yet, this view of religious schools is plainly false.

Moreover, the assumption that education even in religious schools is essentially secular, and can constitutionally be aided, assumes a secular worldview, and imposes that worldview on religious schools that reject it.[30] It assumes a "dualistic" division between secular educational content and religious content, and that the state can aid the secular without aiding the religious.

Indeed, even Petitioners argue that the "prohibition against "governmental indoctrination" is easily satisfied" because the statute contains restrictions "sufficient to prevent Chapter 2 benefits from being diverted to religious

[28] Appendix, p. 18.

[29] Science and Health curriculum titles include "Discover God's World," and Discover God's Creation" in grades 5 & 6, and "Explore God's World" and "Explore God's Creation" in grades 7 & 8. App. p. 20.

[30] We reject the extreme application of this worldview, namely, that since all truth is the revelation of God, and no education is truly secular, that the public schools necessarily establish some religion. On the contrary, we uphold the right of the public schools to assume a secular worldview, but we reject the right of the government to impose that worldview on religious schools.

instruction." Pet. p. 24, 25. Petitioners also contend that the Chapter 2 equipment and materials may be used "only for courses in secular subjects" without explaining how any subject in a religious school can be considered secular.

This betrays a shocking ignorance of the nature of religious schools, and the way such schools inculcate faith. Since the goal of math class is to connect the student's mind with the mind of God, and to develop both the mind and the character in the twin pursuits of both education and redemption, then any aid given to the "secular" pursuit of "mere" arithmetic also aids "religious instruction." The entire premise of religious education is that it is entirely sacred, not secular. It is holistic, not dualistic. Religion is part of the warp and woof, woven into the fabric of life in a religious school. There are no secular subjects. Aid to any part of the educational endeavor is aid to the indoctrination function. Government simply cannot aid a "secular" educational function without also partnering in the religious mission. It is impossible.

Petitioners and the Secretary of Education admit that "governmental indoctrination" is forbidden. Pet. p. 24; Sec. p.32. Yet Petitioners seek to avoid the obvious -- government sponsorship of indoctrination -- by the fiction that the aid is neutral. Pet. p. 21. If private choice matters at all, it must be applied narrowly. Students make no private choice relevant to the Chapter 2 aid program; only the school chooses whether to participate, and accepts responsibility for the use and maintenance of the computers. The fallacy of "private choice" may also be seen by analogy. One who procures materials for producing bombs is no less guilty of a terrorist act if he only knowingly supplies the one who builds and detonates the bomb. The government is no less a partner in the religious mission of the school when it supplies aid directly to that school, and directly to that religious mission.

Such partnering by the government in the religious mission of the church school also necessarily violates the

non-endorsement test.[31] Justice Scalia adopted a dictionary definition of endorsement in *Capital Square Review and Advisory Board v. Pinette*, 515 U.S. 753, 763 (1995): ""Endorsement" connotes an expression or demonstration of approval or support. The New Shorter Oxford English Dictionary 818 (1993); Webster's New Dictionary 845 (2d ed. 1950). Our cases have accordingly equated "endorsement" with "promotion" or "favoritism."" In this case, government isn't just sending a message of approval or support, it is supplying the actual means of support in the form of educational equipment. Such actual support must also constitute prohibited endorsement.

Any objective assessment of the nature of religious schools compels the conclusion that direct aid to an educational function of that school necessarily implicates the government as a partner in religious indoctrination. When government becomes a partner in the religious mission, it necessarily endorses, supports and promotes that mission.

C. Pervasively Sectarian Schools Cannot Utilize Computers For "Secular, Neutral And Nonideological" Purposes

It is axiomatic that in pervasively sectarian schools, the secular and sacred are inseparable. It is impossible to utilize computers for "secular" functions in such schools, because no such "secular" functions exist. When the school is the church; when the pursuit of even a "secular" subject connects the student's mind with the mind of God; when faith is integrated into every aspect of the curriculum; and when the school community effectively inculcates faith and values by living them out in the school context; then computers simply cannot be used in a secular manner.

[31] *E.g., Agostini, supra, at 242:* "The State is forbidden to subsidize religion directly and is just as surely forbidden to act in any way that could reasonably be viewed as religious endorsement." (Souter, J. dissenting.)

Private School *amici* insist that computers are the functional equivalent of books. This overlooks a vital distinction. Books have a defined content, computers do not. Whether computers are used for writing, for creating presentations, or for internet research, if the curriculum content is pervasively religious, so is the use of the computer.

Amazingly, Petitioners contend that students in religious schools may research religious topics on the internet the same as public school students might. Pet. p. 29. This ignores the fact that in public schools, the school is restricted to teaching *about* religion, while the religious school exists to inculcate faith. In the religious school, no religious topic is approached objectively.

The Secretary of Education realizes that an extreme view of what constitutes "secular, neutral and nonideological aid" would result in even direct financial aid being considered secular, since "there is nothing inherently religious about money." Sec. p. 33. Indeed, it is not the object but the use that is either secular or religious. This is especially true of computers, which are valued not for their content but for their utility. The Secretary's conclusion that the Chapter 2 requirement that equipment be "secular" is satisfied ignores the nature of pervasively sectarian schools, and the fact that when computers are used in such a school, they are used in ways that advance the religious mission of the school.

D. The "Supplementary" Aid Distinction is Irrelevant

The Secretary of Education admits that government aid ought only to supplement the core educational function of the religious schools, in order to be constitutional. Sec.p. 36.[32] Yet, there is no evidence in the record to support, as a

[32] Petitioners' rejection of this "supplement not supplant" requirement as constitutionally required is further evidence of the extent of funding they are seeking to achieve. They don't just want "supplemental" funds to aid

factual matter, whether any such aid provided really was supplementary or not. Notice that neither the Secretary nor Petitioners contend that LEAs actually obtain assurances from schools that the computers are supplemental, and not part of the core educational function.

As a practical matter, the reason why aid should only supplement, not supplant the core function of the religious school is to ensure that aid is not given directly in support of the religious mission of the school. *Agostini, supra,* 521 U.S. at 228. This rationale may have made sense in *Agostini*, where it was important that remedial classes did not take the place of core classes offered by the religious school. However, the "supplement not supplant" premise makes no sense applied to computers, because the schools themselves are in full control of the equipment, and utilize them in the context of pervasively religious educational activities. In pervasively sectarian schools even "supplemental" computers are used for religious inculcation, so it really doesn't matter whether they are supplemental or not. The fact that a given computer is the first or last computer in a classroom is irrelevant if all the computers are used to advance the religious enterprise.

Moreover, since the information revolution has already arrived at religious schools, it is increasingly doubtful that computers can ever be considered "supplemental." In Seventh-day Adventist schools, as in many religious schools, computers do not "supplement" the core educational function. Computers are already widely in use in religious schools, and are used extensively for religious purposes. A 1997 survey of Adventist teachers found that 81% of high school teachers had "at your fingertips" access to PCs, and an additional 27% had access to Macintosh's. The figures for elementary school teachers also add up to more than 100%,

---

the margins of religious education, they want complete subsidies to be approved. Pet. p. 26, f.n. 16.

at 79% and 24% respectively.[33] Computers are already present, and in use, in virtually every Adventist classroom.

The computer revolution in education takes many forms. For example, Adventists have already established "distance learning" centers in Reno, Nevada and Orlando, Florida, to provide internet based "live" classes to students who are mostly unable to attend a regular church school because of geography or expense. On a given school day, a student can access a virtual explosion of religious content on the internet. One web site provider hosts more than 1,000 Seventh-day Adventist sites.[34] A student has access to a daunting array of highly sophisticated Bible study software, CD ROMS containing voluminous Bible study resources, Bible commentaries, sermons, writings of the Church Fathers, etc. In short, the notion that computers merely "supplement" the core educational function of any religious school is increasingly outdated.

II. FORMAL NEUTRALITY IS A THREAT BOTH TO RELIGIOUS LIBERTY AND TO RELIGION

The "no direct aid to pervasively religious schools" principle is a fundamentally sound method of protecting both the liberty and autonomy of religious institutions. The contrary proposal, Petitioners' formal neutrality theory, is a grave threat to the vitality of both liberty and religion.

Formal neutrality will not suffice to protect religious freedom. *"...[T]he Establishment Clause forbids a State to hide behind the application of formally neutral criteria and remain studiously oblivious to the effects of its actions." Capital Square, supra,* 515 U.S. at 777 (O'Connor concurring)(emphasis supplied).

---

[33] Profile 97, A Preliminary Report of Curriculum and Instruction in Seventh-day Adventist Schools, North American Division Curriculum Committee (1997) Table 8, App p. 22.

[34] TAGNET, http://www.tagnet.org.

In *Employment Division v. Smith*, 494 U.S. 872, (1990) the Court applied formal neutrality to the Free Exercise clause. This decision is widely regarded as destructive of religious liberty.[35] By holding that facially neutral laws of general applicability did not need to be balanced against the free exercise interest, the Court held that "the free exercise of religion is a "luxury" that a well-ordered society cannot afford, and that the repression of minority religions is an "unavoidable consequence of democratic government." Id., at 908, 909 (Blackmun, J. dissenting).

The formal neutrality Petitioners contend for turns religious freedom into an equality right. "...[E]qual treatment would define the extent of the constitutional protection extended to religion."[36] Professor Doug Laycock observed:

> Under ... *Smith*, instead of a substantive right to be left alone by government, churches and believers now get a right to equal protection. Instead of an exemption from taxation and regulation, churches and believers get the right to be taxed or regulated no more heavily than secular institutions. But in the modern regulatory state, secular institutions are pervasively taxed and regulated. Religious exercise is not free when it is pervasively taxed and regulated.[37]

Equal treatment can't begin to protect religious liberty under the Establishment Clause, either. In fact, religious schools don't want equal treatment. Public school authorities determine curriculum content, approve textbooks, certify teachers, adopt non-discrimination rules for admissions and hiring, and a host of other policies and regulations that

[35] Michael McConnell, "Free Exercise Revisionism and the Smith Decision," 57 Univ. of Chicago L. Rev. 57 (1990). Douglas Laycock, "The Remnants of Free Exercise," 1990 The Supreme Court Review, 1.
[36] Derek Davis, "Right Motive, Wrong Method," in *Welfare Reform & Faith Based Organizations*, Derek Davis and Barry Hankins, eds., Institute of Church-State Studies, p. 286 (Waco, Tx 1999)
[37] "The Remnants of Free Exercise," supra, p. 10.

religious schools do not want applied to them. Such "facially neutral" policies, applied to the religious school, would destroy the religious mission of the school.

Consider just one type of regulation – teacher certification. As discussed above, teachers in religious schools have primary responsibility for conveying the faith to students, not merely by precept but by example. Teaching in religious schools is regarded as ministry. Any state imposed certification requirements will necessarily interfere with the church's right to determine who is qualified to provide religious instruction. In an era of widespread teacher shortages, such certification policies can easily operate to deprive religious schools of staff that are qualified by its own standards. *Corporation of Presiding Bishop v. Amos*, 483 U.S. 327 (1987) was predicated on the notion that government should stay out of the business of determining the limitations of faith-based employment policies. Indeed, the Court there rejected an equal protection argument that employees of religious organizations should be treated equally with those of secular employees. *Id.* at 338.

The formal neutrality Petitioners contend for will inevitably require reversal of *Amos* and other cases that protect the autonomy of churches and individual believers. See, e.g., *NLRB v. Catholic Bishop*, 440 U.S. 490 (1979), (the exercise of jurisdiction by the NLRB over teachers in a Catholic school would raise serious entanglement issues under the Establishment Clause.)

Yet Petitioners want to avoid equal treatment when it comes to regulation, insisting instead on the right to protection for institutional autonomy. Pet. p. 28. There is nothing neutral about this. Instead, it is preferential treatment Petitioners seek.[38]

[38] Petitioners' theory has often been described as "nonpreferential" aid, but it is a misnomer. See, e.g. Douglas Laycock, "Nonpreferential Aid to Religion: A False Claim About Original Intent," 27 William & Mary Law Review 875 (1986).

Petitioners want even pervasively sectarian schools to be equally eligible to participate in government funding programs, on the same basis as secular institutions. Indeed, the Record is clear that Petitioners view the gross disparity in public funding of public and private schools as injustice, and seek parity of funding.[39] Yet, Petitioners seek to protect religious schools from intrusive regulation.

Such unequal treatment is foreign to American democracy. He who pays the piper still calls the tune. Private institutions that accept government funding are inevitably accountable for their use of such funds. See, e.g., *Rust v. Sullivan*, 500 U.S. 173 (1991); *National Endowment for the Arts v. Finley*, 524 U.S. 569 (1998). Government regulation inevitably accompanies government funding. Indeed, all faiths recognize the inherent dangers that accompany government funds. Monsignor Thomas J. Curry observed:

> There is simply no possibility that Catholic education can receive substantial public assistance and that the church can at the same time maintain complete control and direction of its schools. The reception of public monies must inevitably involve public supervision or control...[40]

Petitioners complain of discrimination if they are excluded from "neutral" funding programs on the basis of their religion, but the true discrimination would be to include

[39] Record, Plaintiffs' Attachments to Memorandum in Opposition to Defendants'' Motions for Summary Judgment, at Vol. 1. (The Louisiana Federation, Citizens for Educational Freedom issued a release advocating: "When it comes to justice, the bottom line is this: The TOTAL AMOUNT of taxpayer funds provided to educate the children of taxpayers in nonpublic schools is some $130 per child. At the same time, taxpayer funds for public schools comes to $3000 per child. This is hardly EQUAL justice and the $130 figure should be raised.")

[40] "America," April 5, 1986, quoted in, Edd Doerr, Albert J. Menendez, and John Swomley, *The Case Against School Vouchers*, Prometheus Books 118 (Amherst, NY 1996).

religious institutions in public funding programs while excluding them from public scrutiny and accountability. This would discriminate in favor of religion.

Instead, current Establishment Clause jurisprudence that includes the "no direct aid" principle achieves true substantive neutrality, protecting religious liberty by forbidding direct aid and protecting against intrusive regulation of religion.

The experience with formal neutrality under *Smith* clearly demonstrates that such neutrality is inconsistent with religious liberty.[41] Religious liberty recognizes that regulatory exemptions are occasionally required to protect religion from facially neutral regulations. If formal neutrality is applied to Establishment Clause jurisprudence, a church school will have no right to an exemption from "facially neutral" regulations that conflict with religious principles. Under current law, the church school has already lost any Free Exercise claim it once had. Its only remaining constitutional protection is found in the Establishment Clause, but that, too, is threatened by formal neutrality.

A neutrality theory that supplants traditional notions of separation of church and state may permit religious schools to belly up to the government feeding trough, but it offers no assurance that their autonomy will be protected.[42] Without the freedom to pursue their religious mission, unimpeded by government regulation, religious schools lose their very reason for existence.

[41] Christopher L. Eisgruber & Lawrence G. Sager, "Congressional Power and Religious Liberty After City of Boerne v. Flores," 1997 Supreme Court Review 79 (1997) and Eisgruber & Sager, "Why the Religious Freedom Restoration Act is Unconstitutional," 69 N. Y. U. L. Rev. 437 (1994). Eisgruber and Sager advocate an equality based model of the religion clauses that recognizes nothing special about religion that entitles it to special exemptions from regulations or that limits its eligibility for government benefits.

[42] Eisgruber & Sager, *supra*, make it clear that there is no room for religion exemptions under formal neutrality.

A. Formal Neutrality Inevitably Results in
Discrimination, Secularization and Dependency

Petitioners contend that the failure to include religious schools in "neutral" funding schemes discriminates against them. Pet. p.44. This is simply wrong. A rule of law that both denies funding and intrusive government regulation is not discriminatory but even-handed and fair. This is what current Establishment Clause jurisprudence has achieved.

Instead, it is Petitioners' formal neutrality that would result in discrimination among religions in at least two ways. First, any program of direct aid to religious schools necessarily discriminates against those faith groups that choose to inculcate religion through after school or weekend programs of religious instruction. Those faiths are not eligible to receive the public funds to advance their program of religious education.

Every aid program, no matter how carefully drawn, contains qualifying conditions that necessarily include some faiths and exclude others. For example, under Chapter 2, Seventh-day Adventist schools could not conscientiously certify that computers would be put to only secular uses, since the curriculum is so pervasively religious. Yet other pervasively religious schools may have no compunctions against accepting computers for "secular" use only. Thus, aid programs are inherently discriminatory, since some faiths will be included, while others others are unable to participate because of the program's requirements. Non-preferential aid exists only in theory, not in reality.

Petitioners further contend that formal neutrality will avoid the evil of religious schools secularizing in order to obtain government aid. Pet. p. 34. Coerced secularization is indeed an evil, but the increased aid permitted by formal neutrality will only increase the problem.

Since all direct aid programs will require religious schools to comply with appropriate regulations, the more extensive the aid program, the more intensive the regulations will be. Existing tuition assistance programs, for example,

require that schools not discriminate on the basis of religion,[43] or require schools to permit voucher students to opt out of the religious aspect of the curriculum.[44] These types of regulations necessarily coerce some religious schools to secularize in order to obtain the funds. But some schools will refuse to compromise their religious principles or practices in order to obtain funds. The result is discrimination – some religions are included in the aid program, while others are excluded. This is the inevitable result of any direct aid program. Petitioners' formal neutrality, far from solving the problem, only exacerbates it.

Under Petitioners' formal neutrality, increased direct aid programs will also increase the dependency of religious schools on public funds. Increased receipt of public funds tends to discourage voluntary giving, making the institution even more dependent on public funds.[45] It also makes religious institutions vulnerable to the enactment of subsequent regulations that conflict with religious practices. Indeed, occasionally legislation targets a religious practice of faith tradition, seeking to avoid constitutional infirmity by adopting facially neutral language.[46] Dependency may therefore make religious institutions vulnerable to powerful enemies. Once an institution has become dependent on the aid, it is not easy to discontinue participation.[47] In this sense, public funding is like an addictive drug – the high may be great, but the withdrawal can be deadly.

---

[43] Baldwin's Ohio Revised Code, Title XXXIII, Section 3313.976(A)(4)
[44] Wisconsin Statutes Ann., Schools Chapter 119.23 (7)(a)(4)(c)
[45] Melissa Rogers, "Welfare Reform: The Wrong Way to Do Right," in *Welfare Reform & Faith-Based Organizations*, 75 Derek Davis and Barry Hankins, Eds., J.M. Dawson Institute of Church State Studies (Waco, Tx 1998)
[46] California Assembly Bill 525, introduced in 1999, sought to require all hospitals to provide a full range of abortion and family planning services, or face the complete cut-off of state Medi-Cal funding. Passage and enforcement would have effectively closed all Catholic hospitals in California.
[47] Id.

The existing constitutional prohibition on direct aid to pervasively religious schools avoids these problems entirely. Such schools will not become dependent on aid they don't receive. Nor will there be any discrimination as to whose religious education programs are funded, since all are treated equally – none are funded. Finally, in the absence of direct aid religious schools will have no need to secularize in order to obtain funds.

B. Forced Taxation to Support Religion is Still Sinful and Tyrannical and is a Threat to the Vitality of Religion

Petitioners "readily concede that one part of our disestablishment tradition is that no one may be forced, through taxation or otherwise, to pay for religious activities. *Rosenberger*, 515 U.S. at 847 (O'Connor, J. concurring)." Pet. p. 35. It has already been demonstrated that direct aid to pervasively sectarian schools is just that – taxation to pay for religious activities. Government becomes not just a sponsor, but a partner in the religious mission.

Petitioners hide behind two fictions: first, that secular and sectarian aspects of education can be separated in pervasively sectarian schools. This is a false dualism that is rejected by the very schools who are to benefit from the aid. Petitioners also wrongly assert that Chapter 2 constitutes "neutral allocation of benefits" that keeps government out of promoting religion, which it admits would be unconstitutional, instead, protecting "private religious decisionmaking." Pet. p. 21. Yet the decision to include religious schools in a program of direct aid is not "neutral" towards religion, nor does it reflect any private choices regarding religion. Government is making the choice to sponsor, endorse and partner in the religious educational mission, encouraged by powerful religious lobbies.[48]

[48] Louisiana Federation Citizens for Educational Freedom boasts of its legislative success in obtaining and preserving annual appropriations in excess of $18,000,000 for church schools. *Supra*, note 37.

Taxing citizens to fund religious education violates liberty by coercing taxpayers to fund religion. To Thomas Jefferson, this was "sinful and tyrannical." In the Virginia struggle over a general religious assessment, Virginia Baptists petitioned against the assessment:

> It is believed to be repugnant to the spirit of the gospel for the legislature thus to proceed in matters of religion; that the holy author of our religion needs no such compulsive measures for the promotion of his cause; that the gospel wants not the feeble arm of man for its support; that it has made and will again through divine power make its way against all opposition; and that *should the legislature assume the right of taxing people for support of the gospel it will be destructive to religious liberty.*[49]

This logic applies whether the teachers of religion being funded are regular clergy, as in colonial Virginia, or teachers in religious schools who regard their work as a ministry.

Direct tax support for religious schools, as in this case, also violates the principle of voluntarism, a central premise of the American scheme of ordered liberty. Voluntarism is not just a convenient application of free market principles to religion. Instead, it is the lifeblood of American religion. The European established churches have been strangled by the umbilical cord of government funds, while their American counterparts have thrived for two centuries in an unparalleled explosion of religious vitality.

In the words of the colonial Baptist minister, and advocate of separation of church and state, John Leland:

> The fondness of magistrates to foster Christianity has done it more harm than all the persecution ever did. Persecution is like a lion. It tears the saints to death,

[49] Reprinted in William R. Estep, *Revolution Within the Revolution* 193 William B. Eerdmans, (Grand Rapids, MI 1990) (emphasis supplied)

but it keeps Christianity pure. State established religion, though, is like a bear. It hugs the saints, but it corrupts Christianity.[50]

Direct aid in the form of computers, pursuant to Chapter 2, may be only a step in the direction of government aid flowing freely to aid religious education. Nevertheless, it is "proper to take alarm at the first experiment on our liberties."[51] It is not the computers themselves that pose a grave threat to religious freedom. Rather, it is the principle of direct aid to religion that offends American notions of liberty and justice, and threatens to unravel both religious liberty and the vitality of religion in America.

CONCLUSION

The judgment of the court of appeals should be affirmed.

Respectfully submitted,

*DEREK DAVIS
J.M. Dawson Institute
of Church State Studies
Baylor University
P.O. Box 97308
Waco, TX 76798
254.710.1510

ALAN J. REINACH
Pacific Union Conference
of Seventh-day Adventists
2686 Townsgate Road
Westlake Village, CA 91359
805.497.9457

*Counsel of Record

---

[50] Edwin S. Gaustad, *A Disestablished Society: Origins of the First Amendment*, Vol. XI A Journal of Church and State 409, (1969)(quoting *The Writings of the Late Elder John Leland*, L.F. Greene, ed., Arno Press 1970, (1845)

[51] James Madison, "A Memorial and Remonstrance Against Religious Assessments," reprinted in Robert T. Miller and Ronald B. Flowers, *Toward Benevolent Neutrality: Church, State and the Supreme Court*, fourth edition, Baylor University Press, Appendix A (Waco, Tx 1992).

APPENDIX

Statement of Amici

The Interfaith Religious Liberty Foundation is a non-profit organization comprised of leaders from a broad range of both Eastern and Western religious traditions. The Foundation develops curriculum materials for both pervasively sectarian and non-sectarian schools to promote a better understanding of our constitutional heritage of religious freedom. The Foundation advocates vigorous protection for both the free exercise of religion, and its non-establishment.

Alan E. Brownstein is a professor of law at U.C. Davis School of Law. He teaches constitutional law and specializes in the area of fundamental rights. He has written numerous law review articles on free speech doctrine, religious freedom issues and the separation of church and state. Professor Brownstein is also a member of the Jewish Community Relations Council of Sacramento, and chairs the Social Action Committee of Congregation Bet Haverim.

Rev. John M. Swomley, is Professor Emeritus of Christian Ethics at St. Paul School of Theology in Kansas City, Missouri, a United Methodist seminary. He also served on the General Conference Commission on Church and State for the United Methodist Church. He has written extensively on church/state issues including law review articles, and *Religion, the State and the Schools* and *Religious Liberty and the Secular State.*

Kent Hansen, is managing partner of Clayson, Mann, Yaeger & Hansen, a Corona, California law firm that represents a large number of religious schools across a broad range of denominations and non-denominations. In this capacity, he serves to protect the ability of those schools to fully implement their religious principles in pursuing their educational mission. He is fully familiar with the religious and educational policies and practices of these schools.

Lowell Bock is a former Vice President of the General Conference of Seventh-day Adventists, the worldwide church's highest governing body. In this capacity he served

on the boards of numerous Adventist educational institutions, and participated in the formulation of church policy, including policy governing both Adventist education and the church's advocacy of separation of church and state. He is currently serving as Associate Director of Public Affairs & Religious Liberty for the Pacific Union Conference of Seventh-day Adventists.

George Bronson is Associate Director of Education for the Pacific Union Conference of Seventh-day Adventists. He has administrative responsibility for secondary schools in a five state western region, including California, Arizona, Nevada, Utah and Hawaii, which contains 34 schools and nearly 5,000 students.

Beverly MacLaughlin is Associate Director of Education at the Pacific Union Conference of Seventh-day Adventists. She has administrative responsibility for elementary schools in a five state western region, containing 145 schools and more than 12,000 students.

Charles McKinstry, an attorney, is Superintendent of Schools of the Southeastern California Conference of Seventh-day Adventists. As such, he administers a school system of 23 schools with nearly 5,000 students. He is also an Adjunct Professor in the School of Education at La Sierra University, teaching legal aspects of education. His special expertise is in the area of government aid to parochial schools. He is also fully familiar with church policies and practices regarding the integration of faith and learning.

Linda Caviness is Associate Professor of Education at La Sierra University, a pervasively sectarian Seventh-day Adventist school. She teaches future Adventist elementary and secondary school teachers how to integrate faith and learning. She also has a broad range of experience teaching in Adventist elementary schools, and serving as school principal.

Francis W. Wernick served as Vice President of the General Conference of Seventh-day Adventists, the highest governing body of the church. In this capacity, Elder Wernick was responsible for church policy regarding both

Education and Public Affairs & Religious Liberty departments, including policies concerning the integration of faith and learning and the church's advocacy of separation of church and state.

J.W. Bothe served as Associate Secretary of the General Conference of Seventh-day Adventists and as Secretary of the North American Division of Seventh-day Adventists. Elder Bothe was responsible for church policy regarding both Education and Public Affairs & Religious Liberty departments, including policies concerning the integration of faith and learning and the church's advocacy of separation of church and state.

Malcolm Graham has served as Education Director for the Seventh-day Adventist Church in Canada and as President of Canadian Union College, a Seventh-day Adventist college. He has also taught in Adventist elementary and secondary schools in Canada and in Rwanda, and is fully familiar with the pervasively sectarian educational philosophy and practice of Adventist schools around the world.

Brad Newton is Associate Director of Public Affairs & Religious Liberty for the Pacific Union Conference of Seventh-day Adventists, and has also served on numerous Adventist school boards in Illinois and in California.

Ricardo Graham is Secretary of the Northern California Conference of Seventh-day Adventists, with administrative responsibilities for more than one hundred churches, and their schools.

Ralph Robertson is the Ministerial Director for the Northern California Conference of Seventh-day Adventists. As such, he serves as an officer of the Conference, personnel director and pastor to more than 100 pastors and their families. He has been an ordained Seventh-day Adventist minister for 28 years in the states of California, Arizona, Colorado, New Mexico, and Nevada, and has served on eight Adventist school boards during this time, including both elementary and secondary schools. He is fully familiar with the goals and policies of Adventist education.

H. Eugene Miller is an ordained Seventh-day Adventist minister, who has served as school board chairman for Adventist schools in Nevada, Utah and California.

Frank A. LaRose served as Risk Manager for the Central California Conference of Seventh-day Adventists. In this capacity, he was a member of the Accreditation Committee for evaluation of all Seventh-day Adventist elementary and junior academies in the Central California Conference of Seventh-day Adventists and is fully familiar with their educational policies and practices.

Stanley Baldwin is principal at Mother Lode Adventist Junior Academy in Sonora, California, and has served as pastor or church school principal in California, Hawaii and Thailand.

Lee Davidson is principal of Beavers Adventist Academy in Oklahoma. He has taught in Adventist schools since 1973. He is fully familiar with how religion is integrated into the life of the church school. He has also taught in church schools in Africa, and has experienced firsthand the problems with government funding of religious schools.

Harry Van Pelt is a Seventh-day Adventist minister who has broad experience in education. He has taught in both public and religious schools, and is fully familiar with the differences between them. He has taught at the University of Calgary, Alberta, Canada, and at Adventist academies and elementary schools in California. He has direct experience in integrating faith and learning in the context of religious schools, and also has been forced to exclude faith from course content in public schools.

Bryce Robb Hickerson has been a teacher in Seventh-day Adventist schools for 31 years, and is fully familiar with the pervasively sectarian nature of religious schools.

Nathan L. Krause is pastor of the Concord Seventh-day Adventist Church, a member of the board of Pleasant Hill Christian School, and has also served as youth pastor to Napa Adventist Junior Academy. He is fully familiar with the religious goals and practices of Adventist schools.

Craig Klatt has been a pastor for thirty five years. During this time, he has served on numerous church school boards. Currently, he is pastor of a five church district in Northern California, and oversees two religious schools.

David Perry is pastor of the Novato Seventh-day Adventist Church, in Novato, California, has served on several church school boards and is fully familiar with the religious policies and practices of Adventist schools.

Bruce Blum is pastor of the Lockeford Seventh-day Adventist Church and a member of the board of Lodi Adventist Elementary School, in Lodi, California. He is a product of Adventist education, having attended Adventist schools from first grade through college, and is fully familiar with the Christian worldview espoused in all classes.

Greg Carr has served on the school board for the Pine Hills Adventist Junior Academy in Auburn, California.

Michael Peabody is a product of Adventist education, and is fully familiar with the sectarian nature of religious schools. He is currently a second year law student at Pepperdine University School of Law, in Malibu, California.

VALPARAISO UNIVERSITY
School of Law
Wesemann Hall
Valparaiso, Indiana 46383-6493

September 23, 1999

The Hon. William Suter
Clerk of the Court
Supreme Court of the United States
One First Street, N.E.
Washington, DC 200

Re: *Mitchell v. Helms*, No. 98-1648

Dear General Suter:

I recently filed a brief amicus curiae in the case referred to above. This case addresses the question of whether a federal program providing assistance to state and local educational agencies to purchase and lend nonideological materials such as computers to public and nonpublic schools for use by students attending these schools violates the Establishment Clause of the First Amendment.

The organizations that I represent are associations of educators. Some have international membership. Others are national in scope. Others are state associations. I received permission to include each organization listed in my brief either from the chief executive officer of that organization or from the liaison officer designated for this purpose (e.g., Secretary for Governmental Affairs), as well as a brief paragraph describing their organization. I included these descriptions in the Appendix to my brief, a copy of which I attach to this letter.

I received a phone call from Alan Reinach, Public Affairs and Religious Liberty Director of the Western

Conference of Seventh-day Adventists, noting that four of the associations that joined my brief describe themselves as including Seventh-day Adventist [SDA] educators as members of their associations, and that the SDA members of these four member organizations do not subscribe to the views advanced in my brief.

The purpose of this letter is to make this fact known to members of the Court. I realize, of course, that it is not unusual for members of members of amicus organizations to disagree with positions taken in a brief. In light of Mr. Reinach's concern, however, I wish to make clear that our brief makes no representation that all SDA educators agree with our position. In fact, I understand that the SDA Church plans to file a brief amicus curiae on behalf of the respondents.

If you think it is appropriate, please circulate copies of this letter to the members of the Court. If you have any questions regarding this matter, you can reach me at 219-465-7860 or by FAX at 219-465-7872, or by e-mail at edward.gaffney@valpo.edu.

Cordially yours,

Edward McGlynn Gaffney, Jr.
Professor of Law

CC: Service list

September 24, 1999

To Whom It May Concern:

I serve as the Superintendent of education for the Indiana Conference of Seventh-day Adventists. I have served in this position since 1984. As such, I am the chief administrator for the Adventist Schools in Indiana. I, also, serve as the Church's representative to the Indiana Non-Public Education Association ("INPEA"), and serve on the Board of that Association.

I understand that the Seventh-day Adventists have been named as friends of the court in a brief filed on behalf of a collection of Private School; Associations, and that among the Associations named is INPEA. To my knowledge, there has never been an official board action of INPEA authorizing the Association to participate in this case. Moreover, the Seventh-day Adventist Church in Indiana has never been asked, nor has ever consented, to being listed as a friend of the court in this case. I trust this will suffice to clarify the position of the Seventh-day Adventists Church in this matter.

Sincerely,

Archie Moore
Superintendent of Education

ARIZONA CONFERENCE OF SEVENTH-DAY ADVENTISTS
13405 N. Scottsdale Rd.
P.O. Box 12340
Scottsdale, AZ 85267
(602) 991-6777*FAX (602) 991-4833

September 29, 1999

To Whom It May Concern:

I understand that the Seventh-day Adventist Schools in Arizona have been named on a brief amici curiae filed with the U.S. Supreme Court in the case of *Mitchell v. Helms* on behalf of several private school associations, including the Arizona Council for Academic Private Education (ACAPE). I am the Superintendent of Schools for the Arizona Conference of Seventh-day Adventists and represent our schools at ACAPE.

The purpose of this letter is to inform the Supreme Court that the Seventh-day Adventist Schools in Arizona were listed on that brief without any notice to us, and without our consent. We request, therefore, that our name be taken off the brief, and not considered as though we are supporting it.

Thank you very much.

Sincerely yours,

Irma Hadley
Superintendent of Schools

F

K-12 EDUCATION POLICIES

F 05 Philosophy of Education

F 05 01 Philosophy—The Seventh-day Adventist Church recognizes God as the ultimate source of existence and truth. In the beginning, God created in His image a perfect humanity, a perfection later marred by sin. Through Christ and His Spirit, God determined to restore humanity from its lost state. Through the Bible, He has revealed His will to the world, a revelation that supercedes human reason. Through His Church on earth, He seeks the lost for His kingdom.

The basic tenets of the Seventh-day Adventist Church, as well as the inspired writings of Ellen G. White, are directed toward God's restorative plan for fallen humanity. The Church conducts its own system of education to engender belief in these tenets, within the context of one's personal relationship with Jesus Christ, and to foster a desire to share that relationship with others.

Made in God's image, every human being, although fallen, is endowed with attributes akin to those of the Creator. Therefore, Seventh-day Adventist education seeks to nurture thinkers rather than mere reflectors of other's thoughts; loving service rather than selfish ambition; maximum development of one's potential; and an appreciation for all that is beautiful, true, and good.

An education of this kind imparts far more than academic knowledge. It is a balanced development of the whole person. Its time dimensions span eternity. In Seventh-day Adventist education, homes, schools, and churches cooperate together with the divine agencies in preparing learners for citizenship here on earth and in the New Earth to come.*

F 05 05 Mission Statement—The Seventh-day Adventist Church in North America operates a system of elementary and secondary education that began in 1872. The unique philosophy of Christian education of the Church is based on the Scriptures and the writings of Ellen G. White. All children and youth have been entrusted by the Church to the education system for spiritual nurture and educational excellence.

The primary aim of Seventh-day Adventist education is to provide opportunity for students to accept Christ as their Savior, to allow the Holy Spirit to transform their lives, and to fulfill the commission of preaching the gospel to all the world.

The education program is predicated on the belief that each student is unique and of inestimable value, and on the importance of the development of the whole person. Students are educated to accept service as a way of life, to be sensitive to the needs of the people in the home and society, and to become active members of the Church.

F 05 10 Goals for Curriculum in Seventh-day Adventist Schools ---The following goal statements have been established to support the unique philosophy of Seventh-day Adventist education.

1. *Acceptance of God and His Word*---Each student will surrender his or her whole life to God through conversion; use the Bible as a basis for a relationship with Jesus Christ and an authoritative guide in all areas of life.
2. *Commitment to the Church*---Each student will desire to know, live out, and share the basic tenets of the Seventh-day Adventist Church.

---

* This statement is an abridgement of the complete philosophy statement found in the General Conference *Working Policy*.

3. *Family and Interpersonal Relationships*---Each student will develop a sense of self-worth, along with skills in interpersonal relationships needed for meeting the responsibilities of family membership, and respond with sensitivity to the needs of others.

4. *Responsible Citizenship*---Each student will develop an understanding of multi-cultural diversity and historical heritage, and a working knowledge of governmental processes, while affirming a belief in the dignity and worth of others and a responsibility for one's local, national, and global environments.

5. *Healthy Balanced Living*---Each student will accept personal responsibility of achieving and maintaining optimum physical, mental, and spiritual health.

6. *Intellectual Development*--- Each student will adopt a systematic, logical approach to decision-making and problem-solving based on a body of scientific, mathematical, and historical knowledge, within the context of a biblical perspective.

7. *Communication Skills*---Each student will acquire optimum competency in verbal and nonverbal communication, in the use of information technology, and in effective communication of one's faith.

8. *Life Skills*---Each student will function responsibly in the everyday world, using Christian principles of stewardship, economy, and personal management.

9. *Aesthetic Appreciation*---Each student will develop an appreciation of the beautiful, both in God's creation and in human expression, while nurturing individual ability in the fine arts.

10. *Career and Service*---Each student will develop a strong work ethic and an appreciation of the dignity of service, along with an awareness of career options and opportunities, as they relate to one's personal involvement in the mission of the Church.

F 05 15 Objectives of Seventh-day Adventist Education---The Seventh-day Adventist Church desires to provide for all its youth an education within the framework

of the science of salvation. The fundamentals and common branches of knowledge are to be studied so that proficiency is achieved and a high quality of teaching is maintained.

The Seventh-day Adventist elementary school will assist each child to develop 1. a love and appreciation for the privileges, rights, and responsibilities guaranteed each individual and social group, and 2. a wholesome respect and attitude for each unit of society---home, church, school, and government. The elementary school will offer an organized program to ensure adequate development leading toward total spiritual, physical, mental, and emotional health and a basic core of skills and knowledge for everyday living.

The Seventh-day Adventist secondary school, predicated on the results obtained through the elementary school with character building as an undergirding structure, will endeavor to operate realistically for each student in the upgrading and maintenance of health, in the command of fundamental learning processes, in the teaching of worthy home membership, vocational skills, civic education, worthy use of leisure, and ethical maturity. The secondary school implementing the church philosophy will seek for objectives of spiritual dedication, self-realization, social adjustment, civic responsibility, and economic efficiency.

F 05 20 The Seventh-day Adventist School As An Integral Part of the Seventh-day Adventist Church---Seventh-day Adventist schools are an integral part of the Seventh-day Adventist Church in the following ways:

1. "To restore in man the image of his Maker, to bring him back to the perfection in which he was created, to promote the development of body, mind, and soul, that the divine purpose in his creation might be realized—this was to be the work of redemption. This is the object of education, the great object of life."—(*Education*, pp. 15, 16)

2. The commission given in Matthew 28:18-20 states that the basic task of the Church is an educational task.

3. The Seventh-day Adventist school system has as its basic evangelistic task the education and redemption of the children and youth of the Church. Its object is to

promote the development of character and to direct the youth to a "knowledge of God, the Creator, and of Christ, the Redeemer, as they are revealed in the sacred word." (*Education*, p. 17) In pursuing this task the school system has a greater continuing influence than any other aspect of the church program.

4. The school is concerned about the whole person—body, mind, and soul—and seeks to ensure that youth receive a balanced physical, mental, moral, social, and practical education.

5. The school system emphasizes the principle of service to God and man. It prepares youth for a life of service whether as employees of the Church or as active, contributing lay members.

a. The students generally come from Seventh-day Adventist homes and/or are baptized members of the Seventh-day Adventist Church.

b. In addition, the school may also serve as a mission outreach to the community. When a school desires to recognize this potential ministry to the community, non-Seventh-day Adventist youth may be enrolled in larger numbers. This type of program carries additional responsibility as detailed in F 45 10.

c. In some instances a church may operate a "mission" school which is an evangelistic outreach program to families in the community. A mission school is not limited in the number of non-Seventh-day Adventist students that may be enrolled.

6. The members of the school boards and conference board of education are members of the Seventh-day Adventist Church.

a. The school board is composed of members of the Seventh-day Adventist who represent a cross section of the school constituency and who are supportive of Seventh-day Adventist education.

b. The conference and union conference boards of education are composed of representatives of

various church institutions and/or conferences, lay members of the Church, and church officials.

7. Educational employees must be active members of the Seventh-day Adventist Church in regular standing, and committed to the program of the Church. Employment qualifications, licenses and credentials, salary and wages, benefits, and retirement are all established and regulated by the policies which cover all other denominational workers.

8. The uniquely designed curriculum in Seventh-day Adventist schools is developed by church educators who ensure that the educational objectives of the Church are achieved.

a. It is based on a distinctive Seventh-day Adventist philosophy with a strong commitment to academic excellence.

b. It utilizes the best in current curricular research.

c. It reflects an awareness of the principles of human growth and development and the worth and dignity of each student.

d. It emphasizes a process which encourages, guides, and sustains the learner as he seeks to relate to the Creator and to his fellow human beings.

9. The title to school buildings and property is held by the conference association which is the legal corporation that holds title to all church and school properties.

F 05 25 Nondiscrimination Policy---Admission of Students---The Seventh-day Adventist Church in all of its church schools, admits students of any race to all rights, privileges, programs, and activities generally accorded or made available to students at its schools, and makes no discrimination on the basis of race, color, ethnic background, country of origin or sex in administration of education policies, applications for admission, scholarship or loan programs, and extracurricular programs.

F 05 30 Nondiscrimination Exception—Employment---For Seventh-day Adventists the free exercise of religion includes the right to operate educational institutions that are distinctively Seventh-day Adventist. The creation and maintenance of such institutions require that they be staffed only by those individuals who are in complete harmony with the beliefs and practices of the Church. Hence, in the employment of personnel for its educational institutions one of the occupational qualifications for any position is that the individual must be a Seventh-day Adventist, committed to the program of the Church.

School boards shall, officially and in practice, abide by the following policies relating to employment:

1. Equal employment opportunities shall be afforded to all on the basis of qualifications, without regard to race, color, gender, national origin, ancestry, physical handicap, age, height, weight, marital status (single, married, or widowed), or prior military service.

2. Inasmuch as the personal life and the professional identity of an individual are inseparable, all employees are expected to conform to the standards of conduct that are in harmony with Seventh-day Adventist principles.

SEVENTH-DAY ADVENTIST CURRICULUM CATALOG

HANDWRITING
BASIC

A REASON FOR WRITING

This penmanship program, developed by Eva Hoshino and Carol Ann Retzer, uses a thematic cycle of Scriptural texts for handwriting instruction. The program includes thirty-six weekly lessons with directed daily practice activities culminating with the verse of the week. Ideas are also presented for using the completed verses in on-going witnessing activities. It is recommended that the decorated verses be used with the family three times a month and be shared outside the family at least once a month.

The research-based curriculum systematically develops letter formation, size and proportion, spacing, slant, alignment, and line quality. The program track sequence—manuscript, transition, cursive—is to be carefully followed. Cursive pages are to be removed from second grade worktexts. An alternation plan of instruction may occur within the cursive track if needed. An instructional video, teacher's guidebooks, student alphabet desk cards, alphabet wall sheets, and extra border sheet packs are also available.

Grade K	God Made My World - introduction to manuscript
Grade 1	Words of Promise - manuscript
Grade 2	Words of Jesus – manuscript
Grade 3	Words to Live by - transition
Grade 4	Words of Love - cursive
Grade 5	Words of Praise - cursive
Grade 6	Words of Wisdom - cursive

SEVENTH-DAY ADVENTIST CURRICULUM CATALOG

ABOUT THE LIFE SERIES

The Seventh-day Adventist elementary reading curriculum is designed to provide instruction for students that will enable them to develop optimum reading skills and competencies and that will create in the student an interest in reading as a source of learning. In addition, the reading curriculum is designed to reinforce the principles of the Seventh-day Adventist faith and to create in the student a taste for that literature that builds character and encourages a sense of mission and service.

In selecting and developing materials for the LIFE SERIES, editors were guided by criteria established by the Reading Steering Committee, which included the following goals and purposes:

1. Provide the learner with optimum reading skills.
2. Foster in the learner an interest in reading as a source of learning, relaxation, and worship.
3. Reinforce in the learner the principles and standards of the Seventh-day Adventist Church.
4. Develop discerning and discriminating readers who are able to identify quality literature that is in harmony with Christian principles.

Content selections were based on criteria established by the Reading Steering Committee with goals as outlined below.

Content selection will:

1. Be in harmony with and promote Biblical doctrine and Seventh-day Adventist goals of service, spiritual values, and attitudes.
2. Be appropriate to the experience and background of the children for whom it is intended.

3. Include knowledge and information that will fit children for usefulness in a real world and for practical duties in life. (MYP 279)
4. Include material that will stimulate thinking and have a healthful, strengthening, and sanctifying effect on the mind. (MYP 287)
5. Include material that will encourage a taste for quality literature and promote discrimination in the selection of leisure reading matter.
6. Include realistic characters.
7. Include proper reading matter that will be enjoyable and will afford amusement and recreation without demoralizing the mind. (AH 411)
8. Include colorful, realistic illustrations that are appropriate for children and accurately depict events described in the content material.
9. Avoid intermingling concepts of good and evil, thus confusing the mind. (CT 458-9)
10. Avoid addictive, sentimental, sensational, or escapist material that will unfit the mind for serious study. (CT 139)
11. Avoid use of expressions that would tend to date the material or could have meanings other than those that are intended.

In addition to endeavoring to meet these criteria, the editors have attempted to provide a reading program that will meet the needs of children in the various settings found in Seventh-day Adventist education. For example, much emphasis has been placed on the development of self-instructing materials that should be of assistance to the multigrade teacher whose instructional time with any given grade may be limited.

SEVENTH-DAY ADVENTIST CURRICULUM
CATALOG

SCIENCE-HEALTH
BASIC

Grade 5	Discover God's World, Series A
Grade 6	Discover God's Creation, Series B
Grade 7	Explore God's World, Series A
Grade 8	Explore God's Creation, Series B

SEVENTH-DAY ADVENTIST CHURCH
North American Division
12501 Old Columbia Pike
Silver Spring, MD 20904-6600
Telephone: 301-680-6400
Fax: 301-680-6464

June 1, 1999

TO: UNION TREASURERS
NORTH AMERICAN DIVISION
RE: 1998 NAD EDUCATION COST SURVEY

Dear Brethren:

I am enclosing a copy of the 1998 NAD Education Cost Survey, which has just been completed.

You will notice that 36.01 percent of the tithe dollar (or the equivalent) goes into educational programs at one level or another. This 36.01 percent represents a decrease of 2.66 percent over 1997 (38.67%). All educational programs' financial assistance is not taken from the tithe; some comes from non-tithe contributions from the local church, however, the percentage based on the tithe gives us a good idea of how our Division is supporting Christian Education.

[Logo not reproduced] *In the highest sense the work of education and the work of redemption are one, for in education, as in redemption, "other foundation can no man lay than that is laid, which is Jesus Christ." "It was the good pleasure of the Father that in Him should all the fullness dwell." I Cor. 3:11; Col. 1:19, R.V. -Education, p.30*

Should you have any questions, please feel free to contact us.

Sincerely,

Kenneth W. Osborn,
Associate Treasurer

PROFILE '97

A Preliminary Report of

Curriculum and Instruction in Seventh-day Adventist Schools

December, 1997

Excerpts of Table 8

Resources At-Your-Fingertips: Classroom Teachers

"How many of the following are "at your fingertips" for you to use...whenever you like?"

"Have and Use"	Elem Tchrs	Acad Tchrs
Fax Machine	44%	73%
Internet/e-mail	30	48
WorldWideWeb	22	38
Apple/Macintosh	24	27
IBM PC	79	81